

09-26-05

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Express Mail Mailing Label No.: EV 668187968 US



# TRANSMITTAL FORM

Application Serial Number	09/754,831
Filing Date	January 3, 2001
First Named Inventor	Oppermann
Group Art Unit	1646
Examiner Name	Kemmerer, Elizabeth
Attorney Docket No.	STK-008CN
Patent No.	Not applicable
Issue Date	Not applicable

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form  <input checked="" type="checkbox"/> Amendment/Response  <input type="checkbox"/> Preliminary <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Pursuant to 37 C.F.R. 41.33(b)(1)  <input checked="" type="checkbox"/> Petition for Extension of Time  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application  <input type="checkbox"/> Formal Drawing(s)  <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal  <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> CD(s) for large table or computer program  <input type="checkbox"/> Amendment After Allowance  <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input checked="" type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences  <input type="checkbox"/> Appeal Brief (in triplicate)  <input type="checkbox"/> Status Inquiry  <input checked="" type="checkbox"/> Return Receipt Postcard  <input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8  <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8  <input type="checkbox"/> Additional Enclosure(s) (please identify below)
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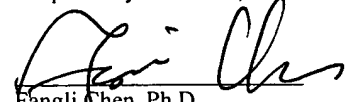
## CORRESPONDENCE ADDRESS

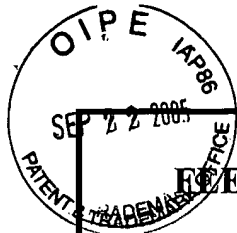
Direct all correspondence to: Patent Administrator  
 Kirkpatrick & Lockhart Nicholson  
 Graham LLP  
 75 State Street  
 Boston, MA 02109-1808  
 Tel. No.: (617) 261-3100  
 Fax No.: (617) 261-3175

## SIGNATURE BLOCK

Date: September 23, 2005  
 Reg. No. 51,551  
 Tel. No.: (617) 261-3198  
 Fax No.: (617) 261-3175

Respectfully submitted,

  
 Fangli Chen, Ph.D.  
 Agent for Applicant(s)  
 Kirkpatrick & Lockhart Nicholson  
 Graham LLP  
 75 State Street  
 Boston, MA 02109-1808



Express Mail Mailing Label No.: EV668187968US

**FEE TRANSMITTAL**  
FY 2005*Complete if Known*

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Filing Date	January 3, 2001
First Named Inventor	Oppermann
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METHOD OF PAYMENT				FEE CALCULATION (continued)																																						
1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other				3. ADDITIONAL FEES																																						
2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 50-1721. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.																																										
3. <input type="checkbox"/> Applicant claims small entity status.																																										
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1. FILING/SEARCH/EXAM/SIZE FEES																																										
<table><thead><tr><th>Large Entity Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>300</td><td>Utility filing fee</td><td></td></tr><tr><td>500</td><td>Utility search fee</td><td></td></tr><tr><td>200</td><td>Utility exam fee</td><td></td></tr><tr><td>250</td><td>Utility size fee (each add'l 50 pgs. over 100)</td><td></td></tr><tr><td>200</td><td>Design filing fee</td><td></td></tr><tr><td>100</td><td>Design search fee</td><td></td></tr><tr><td>130</td><td>Design exam fee</td><td></td></tr><tr><td>250</td><td>Design size fee (each add'l 50 pgs. over 100)</td><td></td></tr></tbody></table>				Large Entity Fee (\$)	Fee Description	Fee Paid	300	Utility filing fee		500	Utility search fee		200	Utility exam fee		250	Utility size fee (each add'l 50 pgs. over 100)		200	Design filing fee		100	Design search fee		130	Design exam fee		250	Design size fee (each add'l 50 pgs. over 100)													
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Direct all correspondence to: Patent Administrator Kirkpatrick & Lockhart Nicholson Graham LLP 75 State Street Boston, MA 02109-1808 Tel. No.: (617) 261-3100 Fax No.: (617) 261-3175				Respectfully submitted, Date: September 23, 2005 Reg. No.: 51,551 Tel. No.: (617) 261-3198 Fax No.: (617) 261-3175 Fangli Chen, Ph.D. Agent for the Applicants Kirkpatrick & Lockhart Nicholson Graham LLP 75 State Street Boston, MA 02109-1808																																						



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**PATENT**

Attorney Docket No. STK-008CN

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Oppermann *et al.*

SERIAL NO.: 09/754,831

GROUP NO.: 1646

FILING DATE: January 3, 2001

EXAMINER: E. C. Kemmerer

TITLE: NUCLEIC ACID MOLECULES ENCODING OSTEOGENIC  
PROTEINS (As Amended)

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

*RESPONSE UNDER 37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP NO. 1644*

**AMENDMENT AND RESPONSE**

Dear Sir:

This paper is filed together with a Notice of Appeal in response to the Office Action, made final, mailed from the U.S. Patent and Trademark Office (USPTO) on March 24, 2005, and to the Advisory Action faxed from the USPTO on September 12, 2005, for the above-identified patent application. Applicants enclose a petition and fee for a three-month extension of time to Monday September 26, 2005, for responding to the Office Action. If any further petition or fee is required, please consider this a conditional petition therefor and a conditional authorization to charge Deposit Account No. 50-1721.

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 4 of this paper.